

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 128 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 5-10-5.5-8 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) **Except as**  
5       **provided in subsection (c),** every participant shall contribute ~~three~~  
6       **four percent (3%) (4%)** of the ~~first eight thousand five hundred dollars~~  
7       ~~(\$8,500)~~ of **his participant's** annual salary to the participants' savings  
8       fund.  
9       (b) Contributions shall be made in the form of payroll deductions  
10      from each and every payment of salary received by the participant.  
11      Every participant shall, as a condition precedent to ~~his~~ becoming a  
12      participant, consent to the payroll deductions.  
13      (c) **An employer may pay all or a part of the contributions for**  
14      **the participant. All contributions made by an employer under this**  
15      **subsection shall be treated as pick-up contributions under Section**  
16      **414(h)(2) of the Internal Revenue Code.**  
17      SECTION 2. IC 5-10-5.5-10 IS AMENDED TO READ AS  
18      FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) Benefits  
19      provided under this section are subject to section 2.5 of this chapter.  
20      (b) The annual retirement allowance of a participant, payable in  
21      equal monthly installments beginning on ~~his~~ **the participant's** normal  
22      retirement date, shall be a percentage of ~~his~~ **the participant's** average  
23      annual salary, such percentage to be twenty-five percent (25%)

increased by one and two-thirds percent (1 2/3%) of ~~his~~ **the participant's** average annual salary for each completed year of creditable service more than ten (10) years. ~~and one percent (1%) of his average annual salary for each completed year of creditable service more than twenty-five (25) years.~~

(c) The annual retirement allowance shall cease with the last monthly payment prior to the death of the participant.

SECTION 3. IC 5-10-5.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Any participant who has attained the age of forty-five (45) years and has accrued at least fifteen (15) years of creditable service may retire and become eligible for benefits as provided in section 12(a) of this chapter.

(b) If:

(1) a participant is at least fifty-five (55) years of age; and

(2) the sum of the participant's years of creditable service and age in years equals at least eighty-five (85);

the participant may retire and become eligible for benefits as provided in section 12(b) of this chapter.

**(c) A participant who:**

**(1) is at least fifty (50) years of age; and**

**(2) has accrued at least twenty-five (25) years of creditable service;**

**may retire and become eligible for benefits under section 12(b) of this chapter.**

SECTION 4. IC 5-10-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The amount of annual retirement allowance payable in equal monthly installments to a participant who retires under section 11(a) of this chapter (relating to early retirement) shall be determined in accordance with section 10(a) of this chapter (relating to normal retirement). However, the amount of annual retirement allowance otherwise payable upon early retirement shall be reduced by one-quarter percent (1/4%) for each full month that the date of early retirement precedes the attainment of the participant's sixtieth birthday.

(b) The amount of annual retirement allowance payable in equal monthly installments to a participant who retires under section 11(b) **or 11(c)** of this chapter (relating to early retirement) shall be determined in accordance with section 10(a) of this chapter (relating to normal retirement).

SECTION 5. IC 5-10-5.5-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13.5. (a) This section applies to participants whose disability occurred after June 30, 1987.

(b) Benefits provided under this section are subject to section 2.5 of this chapter.

(c) As used in this section, a disability is to be considered to have arisen in the line of duty if the disability is the direct result of:

(1) a personal injury that occurs while the participant is on duty;  
or

(2) a personal injury that occurs while the participant is off duty  
and responding to an offense or an emergency or a reported  
offense or emergency;

or if the disability is presumed incurred in the line of duty under  
IC 5-10-13.

(d) A participant whose disability arose in the line of duty is entitled  
to a monthly benefit equal to the participant's monthly salary on the  
date of disability multiplied by the degree of impairment (expressed as  
a percentage impairment of the person as a whole). However, the  
monthly benefit under this subsection must be at least:

(1) twenty percent (20%) of the participant's monthly salary on  
the date of the disability if the participant has more than five (5)  
years of service; or

(2) ten percent (10%) of the participant's monthly salary on the  
date of the disability if the participant has five (5) or fewer years  
of service.

(e) A participant whose disability did not arise in the line of duty is  
entitled to a monthly benefit equal to one-half (1/2) of the participant's  
monthly salary on the date of disability multiplied by the degree of  
impairment (expressed as a percentage of the person as a whole).  
However, the monthly benefit under this subsection must be at least:

(1) ten percent (10%) of the participant's monthly salary on the  
date of the disability if the participant has more than five (5) years  
of service; or

(2) five percent (5%) of the participant's monthly salary on the  
date of the disability if the participant has five (5) or fewer years  
of service.

**(f) A participant who is receiving a disability benefit under  
subsection (d) is entitled:**

**(1) to receive a disability benefit for the remainder of the  
participant's life; and**

**(2) to have the participant's benefit recomputed under section  
10 of this chapter (relating to normal retirement) when the  
participant becomes sixty (60) years of age."**

Page 4, after line 7, begin a new paragraph and insert:

**"SECTION 9. [EFFECTIVE JULY 1, 2007] IC 5-10-5.5-8, as  
amended by this act, applies after June 30, 2007, to active  
participants in the state excise police, gaming agent, and  
conservation enforcement officers' retirement plan established by  
IC 5-10-5.5-2.**

**SECTION 10. [EFFECTIVE JULY 1, 2007] IC 5-10-5.5-10,  
IC 5-10-5.5-11, and IC 5-10-5.5-12, all as amended by this act,  
apply to participants of the state excise police, gaming agent, and  
conservation enforcement officers' retirement plan established by**

- 1 **IC 5-10-5.5-2 who retire after June 30, 2007.**  
2 **SECTION 11. [EFFECTIVE JULY 1, 2007] IC 5-10-5.5-13.5, as**  
3 **amended by this act, applies to participants of the state excise**  
4 **police, gaming agent, and conservation enforcement officers'**  
5 **retirement plan established by IC 5-10-5.5-2 who become disabled**  
6 **after June 30, 2007."**  
7 Renumber all SECTIONS consecutively.  
(Reference is to ESB 128 as printed March 13, 2007.)

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Representative Reske